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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,728	02/10/2000	Hiroshi Yamamoto	B208-1077	4301

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EXAMINER
NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
2675	

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 08/095,017	Applicant(s) ROTHBERG, HENRY M.	
	Examiner Chanh Nguyen	Art Unit 2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the declration on August 3, 200. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (U.S. Patent No. 4,997,263) in view of Schug (U.S. Patent No. 6,339,429)

As to claim 1, Cohen discloses a display apparatus including adjustment means (50) for adjusting a plurality of setting values (brightness levels). The only thing Cohen does not teach is a mode display means. Schug teaches mode display means (CD, DVD, APS cartridge) capable of changing over a plurality of display modes (e.g., pictures accessed from CD, movies accessed from DVD and etc); see column 7,lines 11-26. It is clear that the display modes (picture, movies) of Schug are totally different from the brightness levels. Schug clearly teaches using ambient light detector to

change the display resolution or turning off the display; see column 10, lines 17-35. This reads on the claimed limitation ""mode display means has a display mode suited to bright external environment. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added the mode display means of Schug to the display system of Cohen so that a viewer can view different display modes such still picture or movie pictures.

As to claim 8, this claim differs from claim 1 in that claim 8 is method claim whereas claim 1 is apparatus claim. Moreover, it appears that claim 8 is broader than claim 1 since it deletes the limitation "differ". Thus, claim 8 is analyzed as previsuly discussed with respect to claim 1 above.

As to claim 9, this claim differs from claim 1 in that the limitation "a storage medium" is recited in preamble of claim 9. This limitation is clearly teaches by both Cohen and Schug since both use computer to accessed the image for displaying on the screen.

As to claim 10, this claim differs from claim 1 in that the limitation "head-mounted" is recited in the preamble of claim 10. Cohen clearly teaches a head-mounted display.

As to claims 1-7 and 11-12, these claims are met by Chen and Schug as previously discussed with respect to claims 1 and 8-10 above.

5. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Tabata (U.S. Patent No. 5,781,165).

As to claim 13, note the discussion of Cohen above, Cohen discloses a display apparatus as recited in claim 13 with exception of describing a left eye display means and a right eye display means. For example, Cohen teaches detecting means (48) for detecting brightness of surrounding of the display apparatus (e.g., ambient light) and control means (5) for varying the display state (brightness levels) in according the brightness detected by the detecting means (48); see column 4,lines 51-57. Tabata teaches left-eye display means (7L), right -eye display means (7R). It is clear that the image displaying state of the right-eye display means and the video image displaying state of the left-eye state independently each other because Tabata shows the displayed image on the right screen shifted to the left hand and the displayed image on the left screen shifted to right hand. Thus, both screens are not dependent each other. That is, if one moves to right, then anther one moves left. They do not move the same direction or the display states are different and independent from each other. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the left-eye and right eye display means as taught by Tabata to the head-mounted display system of Cohen so that a viewer can see both images at the same time.

As to dependent claims 14-18, the limitations recited in the dependent claims 14-18 are met by Cohen and Tabata as previously discussed with respect to independent claim 13 above.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

C.Nguyen
June 28, 2002

CHANH NGUYEN
PRIMARY EXAMINER